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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/533,564	05/03/2005	Tatsuya Iwasaki	03500.017825.	4068

5514 7590 01/18/2007  
FITZPATRICK CELLA HARPER & SCINTO  
30 ROCKEFELLER PLAZA  
NEW YORK, NY 10112

EXAMINER
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MOONEY, MICHAEL P

ART UNIT	PAPER NUMBER
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2883

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/18/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/533,564

Applicant(s)

IWASAKI

Examiner

Michael P. Mooney

Art Unit

2883

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 7 is/are rejected.
- 7) ☒ Claim(s) 2-6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/8/06, 10/23/06, 11/16/06</u> | 6) <input type="checkbox"/> Other: ____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claim 1 is rejected under 35 U.S.C. 102b as being anticipated by Hideo Itoh et al. Article submitted in the 6/8/06 IDS.**

Itoh et al. teaches an information transmission process for transmitting information between a signal-emitting port for emitting an optical signal and plural signal-receiving ports for receiving the optical signal through a light transmissive medium in an optical circuit device (e.g., pp. 38-40; figs 10-11), the process comprising a first step of transmitting a first information by emitting light in a first emission angle range from the signal-emitting port to transmit first information to at least one of the signal-receiving ports, and a second step, after the first step (e.g., page 38, second full paragraph; figs. 10-11) , of transmitting second information from the signal-emitting port by emitting light in a second emission angle range (figs. 10-11) different from the first emission angle range (figs. 10-11) to transmit second information to at least one of the signal-receiving ports (e.g., pp. 38-40; figs 10-11).

Thus claim 1 is met.

**Claim 7 is rejected under 35 U.S.C. 102b as being anticipated by Jung et al. (6573984).**

Jung et al. teaches an optical circuit device comprising plural ports having at least one of an optical signal-emitting function and an optical signal-receiving function (e.g., fig. 10B; fig. 1; fig. 40), the optical circuit device having a constitution in which optical information can be transmitted between the ports through a light-transmissive medium (e.g., fig. 1 #3) and at least one of the ports is capable of emitting light in one of two or more emission angle ranges selectively (col. 49 lines 10-43; fig. 40)

Thus claim 7 is met.

***Allowable Subject Matter***

Claims 2-6 are allowed.

The prior art, either alone or in combination, does not disclose or render obvious the steps: subsequently in a second step data is transmitted through the communication path (claim 2); 1<sup>st</sup> emission angle range (EAR) is larger than the 2<sup>nd</sup> EAR (claim 3); data in 1<sup>st</sup> step is lower speed than in 2<sup>nd</sup> step (claim 3); the 3 steps of claim 5 in combination with the rest of the properly corresponding claim.

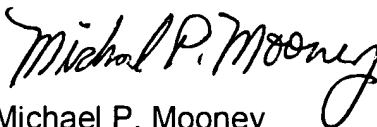
It is noted that each of respective claims 2-6 is allowable because the unique combination of each and every specific element stated in each of respective claims 2-6.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael P. Mooney whose telephone number is 571-272-2422. The examiner can normally be reached during weekdays, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank G. Font can be reached on 571-272-2415. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Michael P. Mooney  
Examiner  
Art Unit 2883

  
Frank G. Font  
Supervisory Patent Examiner  
Art Unit 2883

FGF/mpm  
1/8/07